

REMARKS

Claims 1-11, 13-21 and 23-33 stand rejected under 35 U.S.C. §103 as being obvious in view of the teachings of Scott with the applicant's alleged admission. (While the Examiner has used the term admittance, Applicant interprets the term to mean admission.) Applicant respectfully submits that the rejection is in error and should be withdrawn.

The Examiner appears to base his rejection on the belief that the discussion of adhesives that can be used in the practice of the invention constitutes an admission that those materials are "prior art." The Examiner is improperly using the applicant's own disclosure against him. This can not be done unless there is a clear admission that something is in the prior art. In re Wertherm 191 USPQ 90,102 (CCPA 1976); In re Kuehl 177 USPQ 250 (CCPA 1973). There is no such admission in the present specification.

The adhesive compositions are listed as part of the detailed description of the invention and are set forth to satisfy the requirements of 35 U.S.C. §112. They do not constitute an admission that the adhesives are in the prior art.

The removal of the Applicant's alleged admission vitiates the Examiner's rejection for obviousness. None of the references cited by the Examiner discloses the use of an adhesive with the properties recited in the independent claim. Absent a teaching to use such an adhesive, the sole reference Scott fails to teach or suggest the present invention. Given that all the dependent claims depend from Claim 1, they too are novel and non-obvious. The rejection under 35 U.S.C. §103 should be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

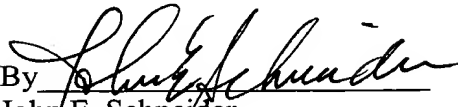
Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P02166US0 from which the undersigned is authorized to draw.

Application No.: 09/912,755

Docket No.: HO-P02166US0

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Respectfully submitted,

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